



CLOSED CASE SUMMARY

ISSUED DATE: DECEMBER 4, 2023

FROM: DIRECTOR GINO BETTS 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2023OPA-0263

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 – Standards and Duties, 5.001-POL 14. Retaliation is prohibited	Not Sustained - Unfounded (Expedited)

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.

EXECUTIVE SUMMARY:

Named Employee #1 (NE#1) performed a welfare check on the Complainant. The Complainant alleged NE#1 was retaliating against her by stalking and harassing her because of an earlier complaint she filed.

ADMINISTRATIVE NOTE:

This case was approved for Expedited Investigation. That means OPA, with the Office of Inspector General's (OIG) agreement, believed it could issue recommended findings based solely on its intake investigation without interviewing the named employee. As such, OPA did not interview the named employee involved in this case.

On July 13, 2023, OIG certified OPA's investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

OPA received a complaint and opened an intake investigation. During its investigation, OPA reviewed the OPA complaint, computer-aided dispatch (CAD) call report, body-worn video (BWV), incident report and behavioral crisis report, and complaint history. OPA also interviewed the Complainant.

A. OPA Complaint

On June 10, 2023, the Complainant filed a web-based complaint. The Complainant wrote that NE#1 continued to harass her based on an incident where he was a "blatant racist to an innocent lady" several years ago. The Complainant wrote that NE#1 used his badge for "injustice and abuse." The Complainant also wrote that NE#1 stalked her and accessed her private building without permission.

On June 13, 2023, OPA spoke with the Complainant over the phone. The Complainant said she filed a complaint against NE#1 several years ago for bias and racism. The Complainant believed NE#1 stalked her because she filed a complaint



against him. The Complainant said she often saw NE#1 sitting in a patrol car near her apartment when she walked to Target. The Complainant said NE#1 accessed her apartment building without permission and harassed her a few months ago. The Complainant said she photographed NE#1 when he attempted to access the building using its callbox.

B. Computer-Aided Dispatch (CAD) Call Report

On March 31, 2023, at 4:38 PM, CAD call remarks noted a reporting party requested a welfare check on her sister, the Complainant. CAD call remarks noted the Complainant accused the reporting party and her family of drugging and raping her. CAD call remarks noted the Complainant was not a harm to herself but possibly a harm to others. CAD call remarks also noted the Complainant had no mental or medical conditions, had no weapons, and lived alone.

On April 1, 2023, at 10:41 AM, CAD call remarks noted the Complainant possibly had a gun, was in crisis, and was suicidal. At 10:44 AM, CAD call remarks noted the Complainant was paranoid and possibly violent. Call remarks noted that officers responded yesterday, and the Complainant believed the officers were not real. At 7:48 PM, call remarks noted the Complainant threatened to kill herself with a gun two hours ago.

C. Body-Worn Video (BWV)

NE#1's BWV captured the following events on March 31, 2023. NE#1 and Witness Officer #1 (WO#1) approached an apartment. NE#1 called the Complainant from a callbox three times, but no one picked up. A resident opened the front door, and NE#1 and WO#1 walked to the Complainant's apartment unit. NE#1 knocked on the Complainant's door, but no one responded, though a dog could be heard barking. Two neighbors exited their apartment, and NE#1 asked if they saw the Complainant. One neighbor said, "It's been a few days." The other neighbor said, "I don't know. I never see these people ever." NE#1 knocked again, but no one responded. NE#1 knocked again and said, "Seattle Police. [Complainant], we're just doing a welfare check. Your family is worried about you." NE#1 turned the doorknob, but it was locked. NE#1 knocked again and said, "[Complainant], I know you're inside. I just wanna chat with you real quick." NE#1 knocked again, but no one answered. NE#1 and WO#1 left.

D. Incident Report and Behavioral Crisis Report

NE#1 did not write an incident report for his March 31, 2023, visit to the Complainant's apartment, although he notified dispatch that he was at the scene and stated, "(M)no answer at door. Appeared to be locked from inside. Heard dog inside and possibly human movement inside. Criteria not met to make entrance."

Witness Officer #2 (WO#2) wrote a report under a difference case number for an incident on April 1, 2023. WO#2 wrote, among other things, that he responded to the Complainant's apartment based on CAD remarks noting the Complainant was in crisis and suicidal. WO#2 wrote he did not attempt to contact the Complainant because her family intended to monitor her through text messages and she had no specific means or intentions to commit suicide.

Witness Officer #3 (WO#3) wrote a behavioral crisis report. WO#3 wrote, among other things, that he responded to the Complainant's apartment on April 1, 2023, based on CAD call remarks noting that the Complainant threatened to shoot herself. WO#3 wrote that he and a contact team contacted the Complainant, who refused to open the door to speak with "fake police officers." WO#3 wrote that the Complainant denied having a firearm, said she was alone, and said she did not want to hurt herself. WO#3 wrote that officers exited the apartment to prevent any escalation.



E. Complaint History

OPA reviewed NE#1's complaint history. OPA did not locate any bias-related complaint against NE#1 that was filed by the Complainant. OPA also searched for any incident report documenting the Complainant's bias allegation against NE#1. OPA did not locate any such incident report.

F. OPA Interview

On June 29, 2023, OPA interviewed the Complainant. The Complainant said she reported NE#1 five to eight years ago for expressing bias towards a Black female officer. The Complainant said she saw NE#1 in his patrol car staring and smirking at her when she walked to Target. The Complainant did not report any interaction with NE#1 other than his welfare check on March 31, 2023. The Complainant believed NE#1 was present when officers returned for a welfare check on April 1, 2023.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

5.001 – Standards and Duties, 5.001-POL 14. Retaliation is prohibited

The Complainant alleged NE#1 retaliated against her.

SPD policy precludes its employees from retaliating. SPD Policy 5.001-POL-14. SPD employees are specifically prohibited from retaliating against a person who engages in activities, including, but not limited to, opposing any practice that is reasonably believed to be unlawful or in violation of Department policy, or who otherwise engages in lawful behavior. *Id.* Retaliatory acts are defined broadly under SPD policy and include "discouragement, intimidation, coercion, or adverse action against any person." *Id.*

Here, NE#1 had only one interaction with the Complainant. NE#1 responded to the Complainant's apartment on March 31, 2023, to perform a welfare check on her after family members raised concern about her wellbeing. Although the Complainant did not buzz NE#1 in, NE#1 gained access to her building when another resident opened the door for him. NE#1 knocked several times on the Complainant's door because he heard a dog barking and appeared to have heard movement in the apartment. NE#1 also articulated the purpose for which he was there—to perform a welfare check on the Complainant. NE#1 left after no one responded to the door. Contrary to what the Complainant believed, NE#1 did not return on April 1, 2023. Other officers returned to perform welfare checks on the Complainant on April 1, 2023. There is no evidence that NE#1 stalked or harassed the Complainant. NE#1 was at the Complainant's apartment because her family requested a welfare check.

Additionally, there is no evidence that NE#1 retaliated when the Complainant supposedly filed a complaint against him several years ago. OPA was unable to locate any bias-related complaint against NE#1 that was filed by the Complainant. OPA was also unable to locate any incident report documenting the Complainant's bias allegation against NE#1. Finally, NE#1 is assigned to a regular, daytime hours in a sector that contains both the Complainant's apartment and the Target store the Complainant referenced. It would be expected that the Complainant could see NE#1 on a regular basis through happenstance.



Accordingly, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

Recommended Finding: **Not Sustained - Unfounded (Expedited)**